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ABSTRACT

The first part of this report highlights what is required in the legislative language of statutes enacted by various States by identifying their specific characteristics in a series of tables. Discussion of these characteristics and comparisons and comments on omissions and trends are presented in the text. The second part of the report consists of "model acts" that illustrate a format for four accountability and assessment laws, along with suggestions for their implementation by administrative codes. The acts have been placed in four categories for purposes of discussion under the headings (1) State testing, assessment, and evaluation programs; (2) educational management methods; (3) performance-based evaluation and certification of professional personnel; and (4) California's statute authorizing performance contracting. The model legislation is designed to provide a firm foundation of legislative intent with a minimum enactment of administrative and operational structure that would constrain the State education agency in its planning and development of adopted accountability plans or models. Related documents are ED 069 048-050 and EA 005 080. (Author/JF)

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Report No. 5

CHARACTERISTICS OF AND PROPOSED MODELS FOR STATE ACCOUNTABILITY LEGISLATION

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Cooperative Accountability Project
Denver, Colorado
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Preface

Characteristics of and Proposed Models for State Accountability Legislation is the fifth report prepared by the State Educational Accountability Repository (SEAR), for which Wisconsin is responsible as a member of the seven-state Cooperative Accountability Project (CAP) administered by the State of Colorado.

A previous publication, *Legislation by the States: Accountability and Assessment in Education,* which was distributed in the Fall of 1972, contained copies of statutes enacted by the various states. Part I of the present report highlights what is required in the legislative language of the acts by identifying their specific characteristics in a series of tables. Discussion of these characteristics, and comparisons and comments on omissions and trends are presented in the text.

Part II of this report consists of "model acts" that illustrate a format for four accountability and assessment laws, along with suggestions for their implementation by means of administrative codes. *Proposed Models for State Educational Assessment and Accountability Legislation** is an appropriate companion piece to Part I, and may be useful to a state for planning new legislation or for amending unworkable features of legislation already enacted.

Some of the laws discussed in this report did not appear in *Legislation by the States: Accountability and Assessment in Education* because they were not available to SEAR at that time or had not been enacted. These additional laws and any new laws enacted in early 1973 will be quoted in the updating of *Legislation by the States* in April, 1973. A second updating will take place in November, 1973.

Several more documents are planned during 1973 by SEAR, among which will be an extension of *Characteristics of and Proposed Models for State Accountability Legislation.* This report will summarize additional features of accountability programs developed by states that were not specified in the legislative acts, but were implemented as the laws were interpreted by the state education agencies involved. It is hoped that these reports will be of practical use to persons responsible for elementary and secondary education at the state and local levels.

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STATE EDUCATIONAL ACCOUNTABILITY REPOSITORY (SEAR)

Contents

Page

PART I: Characteristics of State Accountability Legislation 1

Introduction 2

Purpose and Problems of the Report 2

Discussion of Tables 4

General Overview of Legislative Acts 4

State Testing, Assessment, and Evaluation 8

Educational Management Methods (PPBS, MIS, and Uniform Accounting Systems) 13

Performance-Based Evaluation and Certification of Professional Personnel 19

Performance Contracting 24

PART II: Proposed Models for State Educational Assessment and Accountability Legislation 27

A Model Act For a Comprehensive State Educational Assessment Program 30

A Model Act For a State Educational Assessment Program 31

A Model Act For a State Assessment Program 32

A Model Act For a State Planning, Programming, and Budgeting System 32

Appendix A, Suggested Criteria for the Framework of An Administrative Code to Accompany and Supplement Accountability and Assessment Legislation 34

Appendix B, Admonitions to SEA's on Administering Accountability Legislation 35

Tables

Page

Table I, Status of Accountability Legislation, Fall, 1972 3

Table II, General Overview of Legislative Acts 5

Table III, State Testing, Assessment, and Evaluation Legislation 9

Footnotes to Table III 10

Table IV, Educational Management Methods (PPBS, MIS, and Uniform Accounting Systems 14

Footnotes to Table IV 15

Table V, Performanced-Based Evaluation and Certification of Professional Personnel 20

Footnotes to Table V 21

PART I

CHARACTERISTICS OF STATE ACCOUNTABILITY LEGISLATION

Introduction

Definitions of the term, "accountability," abound in the educational literature of today, but in terms of the schools a common denominator for all the definitions seems to be that school systems are being asked to demonstrate the relationship between costs for school programs and the benefits resulting from those programs in terms of student performance. Underlying most definitions of accountability is the assumption that every child can learn if the right conditions prevail. The main thrust of the accountability movement is to enable every member of society to acquire the highest quality education possible and to show that his learning is proportionate in measure to the available sources of supply and support assigned to the program.

This paper will not trace fully the history of accountability; many articles in the education journals already have covered this subject. Suffice it to say that several developments in recent years have been instrumental in the growing public demand for accountability in education. Society's re-evaluation of its traditional goals; the National Assessment of Educational Progress; the 1965 ESEA Title I with its focus on the educationally and culturally deprived; and the 1966 Coleman Report on *Equality of Educational Opportunity* are some of the influences that have contributed to the accountability movement and to a renewed emphasis on measuring pupil achievement. Rising school costs and taxes gave the impetus to a public insistence upon evaluation of educational programs, public dissemination of the results, and the taking of corrective action based on the results.

With the public insisting to know what the state tax dollar is buying, legislative action is an expected, albeit not always an appropriate, outcome, and in recent years has been spreading across the country as state legislators and state education agency officials are pressed by their constitutents. Legislation in the SEAR file that bears relation to some component of accountability dates as far back as 1963 (the Pennsylvania School District Reorganization Act). Twenty-three states[1] have passed legislation (see Table I) that mandates or authorizes some feature of an accountability program. The majority of these statutes were enacted in the late Sixties and early Seventies.

Legislation on accountability is in a fluid situation; in many states a bill is likely to be introduced during several succeeding legislative sessions. Not all are enacted into law, as happened in Georgia, Illinois, New Jersey, and Oklahoma in the 1971-1972 session, but Georgia, Illinois, and Oklahoma plan to reintroduce the bills, probably with some changes, during the 1973 session. New Jersey submitted a second bill that is still pending with some accountability features in May, 1972. Other states anticipating new legislation being introduced in 1973 are Connecticut, Indiana, Kansas, Maryland, Massachusetts, Minnesota, Nevada, New York, North Carolina, Oregon, Rhode Island, Texas, and Wyoming.

Purpose and Problems of the Report

The purpose of this report is to focus on the kinds of legislation that are being enacted by the states and to point out characteristics, omissions, and trends in the legislation. This task has turned out to be difficult for several reasons. Accountability legislation ranges in content from comprehensive statutes embodying several key components of accountability, such as Colorado's 1971 Articles 41 and 42, to broad, generalized authorizations for an accountability or state testing and evaluation program; i.e., Pennsylvania's Act of 1963 or Massachusetts' Willis-Harrington Act of 1965.

This report attempts to analyze only the specific features of accountability contained in the legislation. However, it should be recognized that some interpretation is unavoidable by the very nature of legislative language. It is difficult at best to interpret legislation correctly from one's own state, and may be impossible to do so for another state without extensive consultation with that state's lawmakers. Further, amendatory legislation is not always clear without access to a state's complete book of statutes.

Two additional cautions should be remembered throughout this report. Many state education

[1] Not included in Table I are Senate and House Resolutions. See explanation for omission on page 6. The inclusion of the District of Columbia in this table makes a total of 51 states.

TABLE I

STATUS OF ACCOUNTABILITY LEGISLATION, FALL 1972

State	Legislation Enacted	Legislation may be introduced in 1973	None enacted as of Fall, 1972
Alabama			X
Alaska	X		
Arizona	X		
Arkansas			X
California	X		
Colorado	X		
Connecticut	X	X	
Delaware			X
District of Columbia			X
Florida	X		
Georgia		X	X
Hawaii	X		
Idaho			X
Illinois	X	X	
Indiana	X	X	
Iowa			X
Kansas		X	X
Kentucky			X
Louisiana			X
Maine			X
Maryland	X	X	
Massachusetts	X	X	
Michigan	X		
Minnesota		X	X
Mississippi			X
Missouri			X
Montana			X
Nebraska	X		
Nevada		X	X
New Hampshire			X
New Jersey	X		
New Mexico	X		
New York		X	X
North Carolina		X	X
North Dakota			X
Ohio	X		
Oklahoma		X	X
Oregon	X	X	
Pennsylvania	X		
Rhode Island	X	X	
South Carolina			X
South Dakota	X		
Tennessee			X
Texas		X	X
Utah			X
Vermont			X
Virginia	X		
Washington	X		
West Virginia			X
Wisconsin	X		
Wyoming		X	X
TOTAL	23	16	28

agencies operate through their Administrative or Public School Codes rather than by passing special legislative acts. They are developing testing and evaluation programs and putting into practice accountability plans according to state education agency directives and policies that arise from these Codes. Therefore, it should not be assumed that states without legislation are not, in fact, establishing and implementing programs in these areas.

By the same token it does not necessarily follow that states with statutes expressed in very general, nonspecific terms do not plan comprehensive state testing or accountability programs. The Massachusetts Willis-Harrington Act of 1965 merely requests the Commissioner "to assess the conditions and efficiency of public and other schools throughout the Commonwealth." The interpretation placed on this mandate by the Massachusetts State Board of Education has resulted in an emphasis upon developing educational goals at the state and local levels with community participation, as well as a design for assessment and evaluation including the ultimate preparation of performance objectives to measure pupil achievement. What the states are doing in the realm of accountability with or without legislation will be the subject of another report. This document is concerned only with what is expressly required in the legislation and with those aspects of accountability that could be analyzed with a minimum of interpretation.

Discussion of Tables

Specific characteristics of various kinds of accountability legislation have been summarized in a series of tables. Table II presents a general overview of the legislative acts passed by the twenty-three states. These acts have been placed into four categories, all of which are components of accountability, under the headings of **(1) State Testing, Assessment, and Evaluation Programs**; **(2) Educational Management Methods**, which includes Planning, Programming, and Budgeting Systems (PPBS), Management Information Systems (MIS), and Uniform Accounting Systems; and **(3) Performance-Based Evaluation and Certification of Professional Personnel**, basically concerned with performance-based teacher certification and performance-based teacher education. Another statute enacted by California that authorizes **Performance Contracting** will be discussed in the text.

Tables III, IV, and V are separate tables for each of the above categories that demonstrate what characteristics are expressed in the laws. Table III, then, groups together all the legislative acts that involve **state testing, assessment and evaluation programs**; Table IV is directed to laws for **educational management methods**; and Table V represents the statutes enacted for the **performance-based evaluation and certification of professional personnel.**

Legislation that failed to pass or that is pending has been omitted from the tables. The reason is to prevent any erroneous impression that they have been enacted. Pending bills will be followed, and if they become law, SEAR will include them in an updated version in April, 1973 of *Legislation by the States: Accountability and Assessment in Education.* State Senate or House Resolutions also have been omitted. Specifically, these are resolutions SEAR received from New Mexico, Hawaii, and Maine. Resolutions are not statutes in the true sense of the word, although statutes may result from the work of committees usually appointed to carry out the intent of the resolutions.

General Overview of Legislative Acts (Table II)

Table II reveals that of the twenty-three states which thus far have passed accountability legislation, a majority require a state testing or evaluation program. Seven states have enacted PPBS legislation, and eight have statutes for the evaluation of professional personnel. More than one of these categories are incorporated into a single piece of legislation by Arizona, Nebraska, Rhode Island, and Virginia. In other states, separate laws have been enacted for two or three of the categories; notably by California, Colorado, Connecticut, and Florida.

Before proceeding to the more detailed analysis of specific accountability acts as noted in Tables III, IV, and V, it should be mentioned that there is great diversity in the language and content of accountability enactments concerning the same accountability components. Some laws are more definitive and structured than others; that is to say, they are more explicit and detailed about what is expected in the program to be implemented. Other laws are expressed in very general terms, perhaps purposely because prescriptive legislation may not always work out well in actual implementation and operation. Modification and change in a statute

TABLE II

GENERAL OVERVIEW OF LEGISLATIVE ACTS [2]

State and Law	State Testing or Assessment Program	Management Methods			Evaluation of Professional Employees	Performance Contracting
		PPBS	MIS	Uniform Acct'g. System		
ALASKA						
Ch. 188, 1970		X				
ARIZONA						
Article 2.1, 1969	X					
S.B. 1294, 1972	X			X		
CALIFORNIA						
Miller-Unruh Act, 1965	X					
School Testing Act of 1969	X					
A.B. 665, 1971	X					
Ch. 1573, 1967		X				
A.B. 2800, 1971[3]		X				
A.B. 293, 1971					X	
A.B. 1483, 1971						X
COLORADO						
Article 41, 1971	X					
Article 42, 1971		X				

[2] The 1967 Senate Resolutions for the States of Maine and Hawaii have been omitted from this table. Also omitted are Connecticut's Public Acts 382, 383, 52, 326, and 430, all of which call for an evaluation of specific educational programs.

[3] This law reorganized the system of educational advisory bodies in California and established 6 commissions in their place. The Education Management and Evaluation Commission informs and advises the State Board of Education on a PPBS for school districts, methods of program evaluation, and assessment of cost effectiveness of educational programs. This bill and the reports of earlier advisory bodies are discussed more fully in the footnotes to Table IV. Neither Ch. 1573 nor A.B. 2800 mandated a PPBS for California. They established committees to study the area and make recommendations to the State Board only.

TABLE II (cont.)

State and Law	State Testing or Assessment Program	Management Methods			Evaluation of Professional Employees	Performance Contracting
		PPBS	MIS	Uniform Acct'g. System		
CONNECTICUT						
P.A. 665, 1971	X					
H.B. 5371, 1972[4]						
P.A. 204, 1972					X	
FLORIDA						
S.B. 656, 1970	X					
H.B. 894, 1971	X					
Ch. 231, s.231.29					X	
HAWAII						
Act 185, 1970		X				
ILLINOIS						
S.B. 1548, 1972		X				
INDIANA						
P.L. 309, 1971		X				
MARYLAND						
S.B. 166, 1972	X					
MASSACHUSETTS						
Willis-Harrington Act of 1965	X					
MICHIGAN						
H.B. 3886, 1970	X					
NEBRASKA						
L.B. 959, 1969	X		X	X		

4 This law established a Legislative Program Review Committee to review programs of all state agencies, including the Department of Education. It does not properly fit into this table, but should be noted in the event that future legislation follows it.

TABLE II (cont.)

State and Law	State Testing or Assessment Program	Management Methods			Evaluation of Professional Employees	Performance Contracting
		PPBS	MIS	Uniform Acct'g. System		
NEW JERSEY						
S.B. 2233, 1971					X	
NEW MEXICO						
Ch. 16, S. 59, 1967				X		
OHIO						
H.B. 475, 1972		X				
OREGON						
S.B. 131, 1971					X	
PENNSYLVANIA						
Reorganization Act of 1963	X					
RHODE ISLAND						
Ch. 16-22, 1963	X					
Ch. 49, s. 16, 1969	X		X	X		
SOUTH DAKOTA						
Ch. 127, 1969-'71					X	
VIRGINIA						
S. 2, Article 8 & H. 845, 1972	X				X	
WASHINGTON						
28A, 1969					X	
WISCONSIN						
Ch. 125, 1971	X					
TOTAL BILLS[5]	18	8	2	4	8	1

5 Legislation for Arizona, Nebraska, Rhode Island, and Virginia contains more than one component of accountability in the same bill. California has two PPBS bills, both of which established commissions to develop and recommend a PPBS to the State Board of Education.

take a considerable amount of time to accomplish. Some legislators and educators may prefer that the legislation be stated in broad terms for needed authorization purposes, and allow the agency responsible for the implementation of the law a degree of latitude in working out the details. Or, some states may wish to start out modestly and later legislate more ambitious plans. On the other hand, a more inclusive statute, if carefully worded, may serve a state well if it realistically confronts the requirements and budgetary support necessary for developing a successful accountability system. Colorado's Article 41 is an example of such legislation. The use of flexible phrases such as "to provide relevant comparative data **at least** in the field of . . .," or "the following approaches, **as a minimum**, should be explored," (emphasis ours) allows the agency discretion in developing the program.

State Testing, Assessment, and Evaluation (Table III)

The categories indicated in Table III were derived primarily from the acts themselves. A few features are included that were suggested by other sources in the accountability literature; i.e., a recent U.S. Office of Education publication[6] and reports from state education agencies of various states. Each state's law that describes or requests implementation of one of the characteristics in the table is marked with a dot in the appropriate column. The categories include the main features in the program upon which the legislation is focused, administrative aspects of the program, instrumentation procedures, the use of the results, and the audience to whom the results are directed.

Thirteen states have enacted legislation in the area of state testing, assessment, and evaluation as indicated in Table III. Some of these laws include aspects of accountability other than state testing, assessment, and evaluation, for example, in Arizona's S.B. 1294, Nebraska's L.B. 959, Rhode Island's Ch. 49, s. 16, and Virginia's H.845. These aspects are reviewed in the appropriate tables following Table III, and therefore the same law may be repeated in more than one table. In most cases, however, the states enacted separate pieces of legislation that focus on one or more of the three categories titled in Tables III, IV, and V.

Although all the laws in Table III bear relation to elements of accountability, not many encompass a broad spectrum of features commonly considered to be a part of an accountability program. Some are concerned with limited state testing programs such as Arizona's Article 2.1, although S.B. 1294 enacted three years later is a broader authorization for state testing with an emphasis on pupil achievement.

An old law of Rhode Island enacted in 1963 is concerned with aptitude and intelligence testing. Later, in 1969, a Board of Regents for Education was created to supervise all education in the state. Ch. 49, S. 16 requests that the Board develop a master plan for the state defining board goals and objectives for all levels of education.

California's A.B. 665 demonstrates very prescriptive statewide testing of pupils. California has had a number of state testing programs legislated and amended over the years; A.B. 665 is the most recent and was supported by the State Department of Education. It is intended to restructure and improve preceding testing programs.

Virginia's law differs from the others in that educational goals had already been developed and adopted when H. 845 was enacted. Section 2 of Article 8 of Virginia's new Constitution calls for "standards of quality". Eight standards, or pupil-oriented goals, were developed and adopted by the State Board in August, 1971. The Board then developed and adopted performance objectives, but these had to be approved by Virginia's General Assembly. The General Assembly made some revisions and enacted the performance objectives into law in 1972 (H. 845), and they are called "Standards of Quality." H. 845 does not include the eight pupil-oriented goals; instead, the considerable number of standards in the law are institutionally and administratively oriented and are expected to be achieved by the State Board and local school boards. Other standards in the law are objectives the teacher is expected to attain.

Pennsylvania's law is succinct, but it encompasses several accountability features in one short paragraph of the Reorganization Act of 1963.

[6] Krystal, Dr. Sheila & Henrie, Dr. Samuel, *Educational Accountability and Evaluation.* PREP Report No. 35. Washington, D.C.: U.S. Office of Education, 1972.

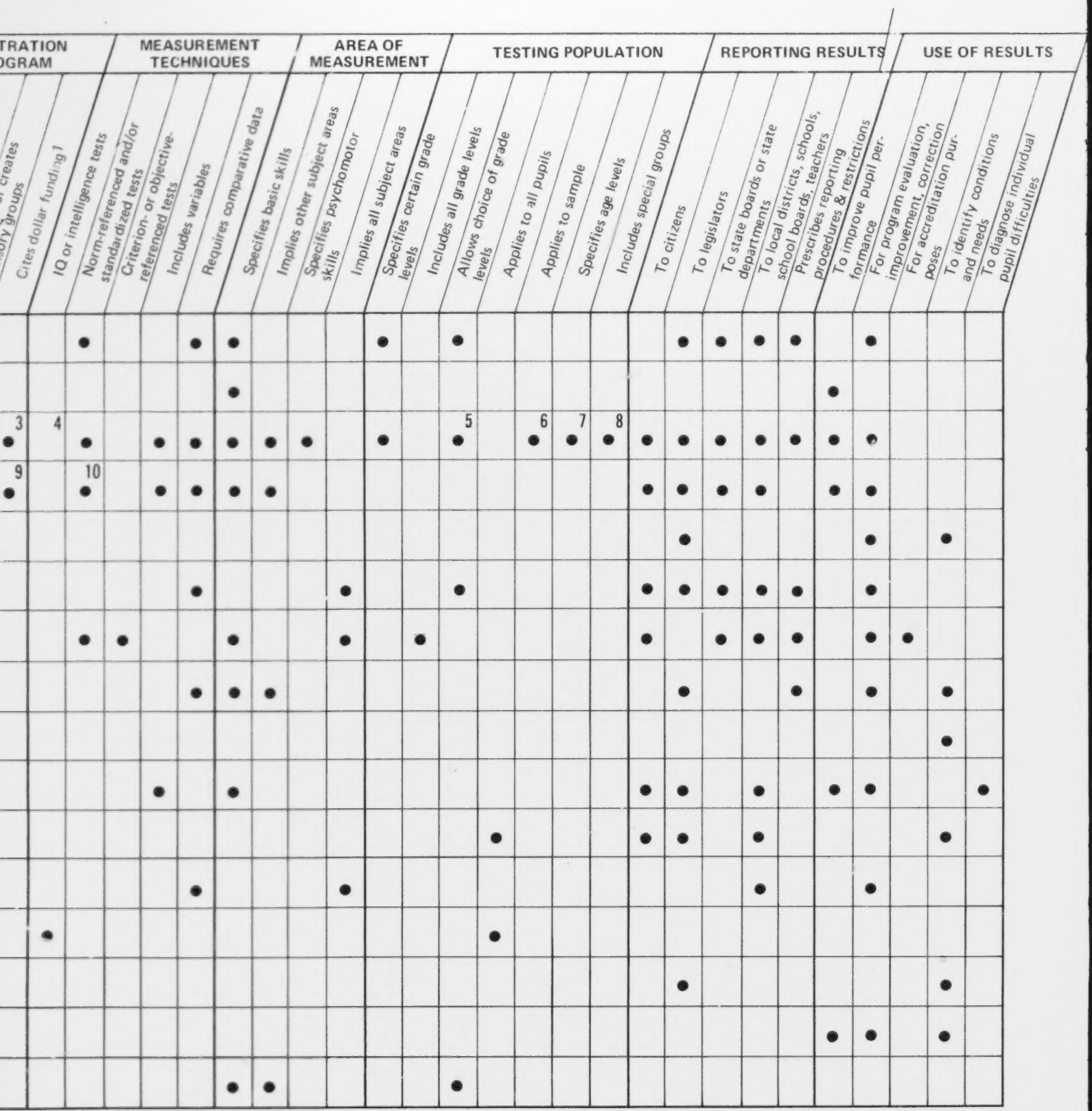
TABLE III

LEGISLATION FOR STATE TESTING , ASSE

STATE	STATUTE	Date enacted	Implementation date or effective date	FOCUS OF LEGISLATION: Requires state goals	Requires local goals	Requires goal priorities	Requires goal review process	Requires citizen involvement	Requires performance objectives	Evaluates effectiveness of accountability system	Assesses pupil achievement	Evaluates school programs, curriculum	Requires external audit	Requires cost performance analysis	ADMINISTRATION OR PROGRAM: State board or department control	Prescribes local district program and/or control	Authorizes contracting services	Offers SEA assistance to local districts	Authorizes or creates advisory groups	Cites dollar funding[1]	MEASUREM TECHNIQ: IQ or intelligence tests	Norm-referenced and/or standardized tests	Criterion- or objective-referenced tests	Includes variables	Requi
Arizona	Article 2.1	1969	1970								●			●		●					●			●	
	S.B. 1294	1972	1975						●		●			●			●								
California	A.B. 665[2]	1972	'73-'75								●	●		●			●		3 ●	4	●		●	●	
Colorado	Article 41	1971	1972	●	●		●	●	●		●	●		●	●	●	●	●	9 ●		10 ●		●	●	
Connecticut	P. A. 665[11]	1971	1971								●			●											
Florida	S.B. 656	1970	1971								●	●		●										●	
	H.B. 894[12]	1971	'71-'74						●		●	●		●							●	●			
Maryland	S.B. 166	1972	'73-'75	●	●	13	●		●	●	●	●			●	●		●							●
Massachusetts	Willis-Harrington Act	1965	?								14 ●			●				●							
Michigan	H.B. 3886	1970	'70-'72	●						●	●	15 ●		●		●	●						●		
Nebraska	L.B. 959[16]	1969	?					●			●			●											
Pennsylvania	Reorganization Act	1963	?						●		●	●		●											●
Rhode Island	Ch. 16-22	1963	?								●			●						●					
	Ch. 49, S.16	1969	?	17 ●					●					●											
Virginia	S.2, Article 8 & H. 845	1972	?	18				●	18 ●		●	●		●	●			●							
Wisconsin	Ch. 125	1971	1973								●	●		●											

TABLE III

ATE TESTING , ASSESSMENT, AND EVALUATION



Footnotes to Table III

[1] Lack of this provision in the laws in this table does not mean the program was not funded. Most state funding appears in a state budget appropriations bill. This category simply indicates that a specific dollar amount is legislated in the bill for the program.

[2] Passage of this law, effective in early 1973, was supported by the State Board as a vehicle for major restructuring and improvement of California's statewide testing programs described in the earlier 1965 Miller-Unruh Act and the 1969 School Testing Act. For this reason, the two earlier Acts are omitted from the table.

[3] $235,000.

[4] Local districts are free to administer any test they choose at any grade level to meet local purposes and needs, but the earlier state-mandated testing in scholastic aptitude is no longer required.

[5] A choice of grade levels applies here only in the case of physical performance testing. The State Board can designate any three grades for the purpose.

[6] In California's sampling, all students in specified grades are tested, but some pupils answer all the test questions, others only some of the questions.

[7] This bill states that pupils may be selected by the State Board for testing on the basis of age or length of time in school in place of grade specification, but a report must be submitted six months in advance to the Joint Legislative Budget Committee explaining the reasons for the change.

[8] The educationally and physically handicapped are required to be tested in California.

[9] $40,000, for the fiscal year beginning July 1, 1971.

[10] The law allows latitude for the kinds of test instruments. It states that "Evaluation instruments, including appropriate tests, shall be developed . . . to provide the evaluation required, but standardized tests shall not be the sole means developed to provide such evaluation."

[11] Five other laws, not included here, were enacted by Connecticut's 1971 session for the evaluation of specific programs: vocational, disadvantaged, special education, federally-funded, and innovative programs. A sixth law, H.B. 5371, established a legislative program review committee to evaluate the effectiveness of state government programs and their administration, and whether the programs require modification or elimination. Although the State Department of Education is included in this evaluation, the law does not properly belong in these categories. Further legislation is expected to evolve from this statute to carry out the evaluation. When this legislation is enacted, it will be reported in the April, 1973 updating of *Legislation by the States: Accountability and Assessment in Education.*

[12] This bill was enacted to provide for the further development and implementation of S.B. 656. It should be noted that as a result of the requirement in the law that calls for "an analysis and recommendation concerning the costs and differential effectiveness of instructional programs," Florida is developing a model for a PPBS at the local level, according to the State Department of Education.

[13] Maryland's law may allude to setting priorities for goals. Each school is to establish goals and also "shall develop programs for meeting its needs on the basis of priorities which it shall set."

[14] Massachusetts' law is too general to apply to this table without interpretation. The Department of Education is to assess "the conditions and efficiency" of public and other schools throughout the Commonwealth. Massachusetts and Rhode Island are the only states in this table that include the private schools in their legislated plans.

[15] An external audit is authorized for the remedial assistance programs only.

[16] Nebraska's law asks the State Board to institute a statewide system of testing to determine the degree of achievement and accomplishment of all the students within the state's school system, but qualifies the statement by adding, "if it determines such testing would be advisable."

[17] The Board of Regents for Education supervises all education in Rhode Island, public and private, elementary through higher education. It is to establish a "master plan, defining board goals and objectives, for all levels of education in the state . . . and continuously evaluate the efforts and results of education in the light of these objectives."

[18] "Standards of quality" were required by Section 2 of Article 8 of Virginia's new Constitution. These 8 standards, or pupil-oriented goals, were developed and adopted by the State Board in August, 1971. Performance objectives were designed and adopted by the State Board, then revised and enacted into law by the General Assembly in 1972. These objectives are institutionally and administratively oriented and are expected to be achieved by the State Board and local school divisions. Others are objectives the teacher is expected to attain. They are not pupil-oriented performance objectives.

Pennsylvania is considered a pioneer in the accountability movement as we know it today.

Other laws listed in the table are broad authorizations leaning more toward assessment and evaluation of programs, such as the statutes cited for Connecticut, Massachusetts, Nebraska, and Wisconsin.

Four of the thirteen states in Table III have legislated acts that may be considered comprehensive accountability laws in the area of state testing, assessment, and evaluation: Colorado, Florida, Maryland, and Michigan. The legislation for these states was passed in the early Seventies and contains more of the accountability components commonly discussed in the accountability literature of today.

The U.S. Office of Education's publication, *Educational Accountability and Evaluation*,[7] clarifies various processes that are inherent in an accountability system. In establishing goals, the following steps are stressed in this publication:

- Development of clear, long-range state goals, "working statements of the knowledge skills that the system seeks to provide."
- Establishment of local district goals, preferably each district evolving its own process for goal development.
- Citizen involvement,—students, parents, educators, and others affected by the decisions brought together in a cooperative effort.
- Placement of goals in a priority order.
- Provision for a continuous goal review process.
- Development of behavioral or performance objectives to achieve the goals. These are "short-range, operational statements of learning outcomes, the standards by which student progress is evaluated."

Of the four states with comprehensive accountability statutes mentioned above, only Colorado and Maryland require the development both of state educational goals and performance objectives. Colorado and Maryland also ask for the development of local district goals. State agency assistance is offered to the districts during the procedure, and in the case of Maryland, the law states that they must be compatible or "in keeping with" those established by the State Board at the state level. It seems clear, though, that goal development will evolve through a local process in those states. Colorado and Maryland legislation requires a review or re-evaluation of goals on a regular basis, and these two states and Michigan request a review of the accountability program as a whole.

Colorado is the only state of the four whose legislation suggests citizen involvement. It occurs at the district level with the formation of a local advisory group composed of a teacher, parent, school administrator, and a taxpayer from the district to make recommendations to the local board relative to the accountability program. The local board is ultimately responsible for implementing the legislation, however. A state advisory committee also is appointed to "assist" the state board, and this committee is composed of legislative members, classroom teachers, public school administrators, and former or current members of the State Board. Although citizen involvement is not mentioned in the legislation of the other three states, various state reports indicate that the participation of citizens and the community in the development of goals has become an increasingly frequent practice, and it is likely that in implementing their legislation, most states will follow this custom.

Michigan's law demands "meaningful achievement goals," but does not ask for performance objectives. Florida calls for performance objectives, but does not mention goals. Again, one should be reminded that interpretation of the law can result in many accountability features not expressly stated in the language of the legislation. Michigan and Florida were not limited to a literal interpretation of their laws; both states have developed or are working on goals and performance objectives.

Placing goals into priority order is not specifically suggested in any of the statutes in Table III. The only allusion to priorities occurs in the Maryland Act, but this refers to the State Board developing programs to meet its needs "on the basis of priorities which it shall set." It is likely, of course,

[7] *Ibid.*

that these priorities will be congruent with respect to the goals of the system.

Few of the state laws go beyond demanding the testing of the basic skills of reading, writing, and mathematics. Only California, Colorado, Maryland, and Wisconsin imply that other subject areas can be tested, but in the case of Florida and Pennsylvania, **all** subject areas are to be tested. Attitudinal testing is not specified in any of the statutes. California specifically designates testing of psychomotor skills, even for the physically handicapped, in addition to basic skills and other "content courses." Content courses are defined as those subjects which "require the integration of factual matter, logical analysis, the solution by the student of posed problems, and the communication of ideas, including, but not limited to, literature, history, advanced mathematics, and science."

An explanation should be inserted here about the California legislation. California has a system of educational advisory bodies created by statute or by a legislative resolution (see footnote 4 to Table IV) that advise the State Board of Education on specified tasks. One such bill that was passed in 1968, S.B. 1, required basic standards and guidelines to be set for public school education throughout the state. A Joint Committee on Educational Goals and Evaluation was appointed the following year by Assembly Concurrent Resolution 198 to state the aims of this plan in detail. In May, 1970, the Committee sent recommendations to the Legislature stating, among other items, that "the best and most workable goals for our public school education can only be set by a process involving the citizens of our state – parents and taxpayers, students and teachers, school administrators and classified employees." This Committee now is in the process of developing goals and objectives, begun in the Fall of 1972, by initially contacting a large number of its citizens for their views. By June of 1973 a first draft of decisions for each school-community is expected; in the Fall of 1973, public hearings will be held to present to the citizens the goals and objectives most important to them, followed by each district putting the decisions into action.[8] A.B. 665 in Table III is a restructured state testing program that amends in part the earlier Miller-Unruh Law and the California School Testing Act. This law contains very specific directions for testing programs, assessment of pupil achievement, and program evaluation, and does not need to include the goals and objectives already being executed according to the directives in Resolution 198.

A trend toward centralization of control in the state board or state education agency can be noted in these laws. Colorado and Maryland are the only states whose laws request in some detail that local district accountability plans be set up and administered by the local districts, but some control is exerted by the state boards nevertheless. Assistance from the state boards and cooperation with the local districts is expressed, but the final responsibility for the quality of education lies with the state education agency.

Legislation concerning testing, assessment, or program evaluation often stipulates that results be analyzed for the entire state and be reported by the state agency to the legislature. Local districts must report to their state boards or departments, but the state boards or departments typically must report back to the administrators of the local districts. As noted in Table III, public reporting of the results is an evident requirement in the laws of California, Colorado, Florida, Michigan, and Nebraska.

As shown in the "use of results" category of Table III, the majority of the statutes require the results of the testing program to be used for program improvement or correction of some sort. Only two states, Colorado and Florida, expressly ask for a cost performance analysis. Requesting a cost performance analysis is more characteristic of legislation for PPBS systems, which is treated in Table IV (the following section). The very fact that a law does require a cost performance analysis indicates that a PPBS or some kind of uniform budgetary system will be necessary. The Florida Department of Education is developing a model for a PPBS at the local district level as a result of a stipulation in H.B. 894 requesting "an analysis and recommendation concerning the costs and differential effectiveness of instructional programs."

[8] *Education for the People.* California State Legislature Joint Committee on Educational Goals and Evaluation. Sacramento, California: Department of Education. No date.

TABLE IV

LEGISLATION FOR EDUCATIONAL MANAG
(PPBS, MIS, and Uniform Accountin

STATE	STATUTE	DATES		METHOD			PRIMARY FEAT														
		Date enacted	Implementation date or effective date	PPBS	MIS	Uniform system of accounting and records	Mandated for state agency	Mandated for local districts	Local district participation voluntary	Requires state agency goals	Requires state agency objectives	Requires review of goals and/or objectives	Requires local district goals	Requires local district objectives	Requires review of local goals and/or objectives	Requires cost performance analysis	Provides for a program budget format	Defines alternative	
Alaska	Ch.188	1970	1970	●			●[2]			●	●	●				●	●	●	
Arizona	S.B. 1294	1972	1975			●													
California	Ch. 1573[4]	1967	1968	●				●[5]									●		
	A.B. 2800[4]	1971	?	●				●[5]								●[7]	●		
Colorado	Article 42	1971	1973	●				●								●	●		
Hawaii	Act 185	1970	'71-'73	●			●[9]				●[10]	●				●	●	●	
Illinois	S.B. 1548	1972	1972[11]	●					●				●	●	●	●	●		
Indiana	P.B. 309	1971	1977	●				●								●	●		
Nebraska	L.B. 959	1969	?		●	●													
New Mexico	Ch. 16, S. 59	1967	?			●		●											
Ohio	H.B. 475	1972	'72-'73	●[15]				●[16]						●		●			
Rhode Island	Ch. 49	1969			●	●	●	●[18]											

TABLE IV

EDUCATIONAL MANAGEMENT METHODS
and Uniform Accounting Systems)

PRIMARY FEATURES OF LEGISLATION																	ADMINISTRATIVE CONTROL			RESULTS REPORTED TO		
...cal district goals	Requires local district objectives	Requires review of local goals and/or objectives	Requires cost performance analysis	Provides for a program budget format	Defines alternatives for attaining objectives	Requires program analysis for performance effectiveness	Includes auditing procedure	Requests recommendations, solutions for improvement	Entails public involvement	Includes pilot testing of system	Provides inservice training; consulting services	Authorizes contracting or consulting services	Requires development of manual	Cites dollar funding[1]	Includes noncompliance penalty	State legislature	State board or state department	Local school district	State legislature	State board or state department	Citizens
		•	•	•	•	•	•			•					• 3	• 3		•		•
																•				
			•					•	•	•	•		• 6			•			•	
		• 7	•		•		•	•	•	•	•					•	•	•	•	
		•	•								•	•	• 8	•		•			•	
		•	•	•	•		•			•		•			•			•		•
•	•	•	•		•		•	•					• 12				•	•	•	•
		•	•							•	•			•		•				
					• 13											•		•		
												•			• 14	•				
•		•			• 17				•		•					•		•		•
					•	•										•		•		

Educational Management Methods (PPBS, MIS, and Uniform Accounting Systems) (Table IV)

A Program, Planning, and Budgeting System (PPBS) is associated with accountability because the basic features of the system help to implement accountability. It is a management tool that can be used at the state agency level to increase the capability of the agency in comprehensive planning and program evaluation. It also is used at the local district level, and, in fact, most of the legislative acts in Table IV mandate a PPBS system for their local school districts.

California defines PPBS for local school district use as a "comprehensive management approach that can be used by school districts to improve their **effectiveness** in providing opportunities for the growth of students, and **efficiency** in planning, analyzing, performing, evaluating, and communicating with the public."[9] Under a PPBS system, short- and long-term planning, the development of instructional programs, and the preparation of school budgets are brought into a single, integrated system.

Some of the basic components of a PPBS system, as defined by California and the U.S. Office of Education,[10] are:

- A classified system of fiscal and educational data to help management make decisions about allocating resources to programs.
- Management goals and objectives, and a periodic recycling and review of them.
- Alternative program strategies for attaining objectives. If not all the programs can be accommodated by the available resources, an analysis of possible alternative methods allows for a selection of preferred programs.
- Program budget format, a plan that relates proposed expenditures for programs to goals and objectives and includes the proposed revenue source for financing the programs.
- Cost effectiveness analysis, which measures the relationship of program cost to expected achievement levels.
- Program analysis and evaluation, identifying programs responsive to stated goals and objectives. It determines the effectiveness of the program (the degree to which it is accomplishing its objectives) and its efficiency (how the allocated resources are being expended in the program).
- Recommended solutions or revisions for improvement.
- Public involvement, particularly in establishing and reviewing goals and objectives responsive to a local district's community needs, and communicating the degree of achievement of the objectives to the citizens of the community.

Management-by-objectives (MBO), management information systems (MIS), and uniform accounting procedures all are elements that can be incorporated into a PPBS system. An MIS, as Colorado defines it,[11] "is a system for accumulating, storing, processing, and transmitting data to managers," and the data must be able to reach a manager in understandable terms in order to become usable information. An MIS either can be a manual system or a computer-based system. MIS and accounting systems are placed in separate categories in Table IV because some of the laws enact only these features, not a full PPBS system.

The categories devised for Table IV express the above descriptions of the principal features of a PPBS and also include others suggested by the legislative acts themselves. The language is as diverse in these laws for educational management methods as for state testing and evaluation programs, and extends from a brief mention of a PPBS component to an entire statute for setting up such a system.

Those states with a scant reference to a component of a PPBS generally included the requirement as a part of a more inclusive law concerning

[9] *Educational Planning and Evaluation Guide for California School Districts.* Sacramento, California: Department of Education, Third Preliminary Edition. (Not yet adopted by the State Board of Education or Legislature.)

[10] *op. cit., Educational Accountability and Evaluation.*

[11] *Management Information Systems.* Denver, Colorado: Department of Education, 1972, p. 4.

Footnotes to Table IV

[1] See Footnote 1 to Table III.

[2] Alaska's Act is related to the executive budget and applies to a PPBS system for all state agencies.

[3] Although the Alaska Legislature has mandated the policies and exact budget forms for the state agencies to follow, it also states that "except as limited by policy decisions . . . the agencies shall have full authority for administering their program service assignments and shall be responsible for their proper management."

[4] California has a system of educational advisory bodies generally created by resolutions or by executive order of the Governor. Although some members are appointed by the Governor, the Legislature, the State Department of Education, and/or the State Superintendent of Public Instruction, the majority are appointed by the State Board of Education. A.B. 2800, enacted in 1971, reorganized this system, restructured the various existing advisory bodies, and reduced them in number in order to eliminate conflicting and overlapping duties.

No legislation mandating a statewide PPBS system for California's school system has been enacted by the California Legislature to date.

Prior to A.B. 2800, Chapter 1573 was enacted in 1967 which established the Advisory Commission on School District Budgeting and Accounting. The Commission was to **advise** the State Board on a budgeting and accounting system for California school districts. This task was accomplished and the resulting **recommended** PPBS system required the development of district goals and objectives for all the various programs, although goals and objectives are not mentioned in 1537 or 2800. The final report of the Advisory Commission was submitted in May, 1972, and the State Board prepared a manual for local district use implementing the system. The Legislature, in Assembly Concurrent Resolution No. 98, asked the State Board to withhold approval of the manual until the Legislature had concluded hearings on the implication of the system. This the State Board has done, although pilot programs were instituted at the recommendation of the Advisory Commission at the local district level, have expanded in number, and have continued to operate.

A.B. 2800 replaced the Advisory Commission with the new Educational Management and Evaluation Commission, which is to advise the State Board in the evaluation of the program achievement of educational programs, the determination of cost effectiveness of the programs, and on a PPBS system for local school districts. The language in both 1537 and 2800 states that the Commissions are to act as advisory bodies to the State Board of Education. The Department of Education is to cooperate with them as requested and recommend any change or revision of law necessary to effectuate what the advisory bodies recommend.

[5] Although the two statutes stress PPBS for local school districts, members of the Advisory Commission recognized the need for change in management techniques at all levels within the school district and the state executive and legislative levels as well.

[6] $40,000.

[7] California also had an Advisory Committee on Program and Cost Effectiveness that served from 1970 to 1972. The Committee was established to carry out the intent of A.B. 606, known as the "Educational Improvement Act of 1969." This Act called for the implementation of cost effectiveness measures in the approval and evaluation of all projects. The Committee's charge was further defined in A.B. 1923 enacted in 1970. It was to develop and recommend a methodology for evaluating cost effectiveness for State Board use in determining which projects should be expanded, modified, or replaced. SEAR does not have these laws at the present time.

A plan for developing a cost effectiveness model was submitted to the State Board by the Committee that described its attempts to develop and test components of the model. Further research was needed and the reports of the Committee were distributed to members of the new Educational Management and Evaluation Commission, since this Commission is to determine cost effectiveness of programs.

[8] $40,000 for the fiscal year beginning July 1, 1971.

[9] Hawaii's Act, like Alaska, is related to the state budget and mandates a detailed PPBS system for all state agencies to follow. Earlier, in 1967, the PPBS approach was implemented by legislative mandate in the Department of Education, but the 1970 law provided a new format for PPBS on a statewide basis.

[10] Hawaii's law requires statewide objectives as well as objectives stated for every level of the state program structure. This could be interpreted by the state education agency to mean the local school district level as well.

[11] Although the Illinois law took effect the same year it was enacted, implementation of local district plans are to begin one year after a district receives the grant for which it applies to defray costs.

[12] $500,000 for administering and implementing the Act. School districts wishing to participate can apply for grants to help defray costs incurred. Grants are to be made annually and can be renewed if necessary, but local districts are expected to commit some of their own revenues as well.

[13] Nebraska's law will install a system for "evaluating educational progress," which is interpreted here to mean program analysis for performance effectiveness.

[14] New Mexico's law requires the Public School Finance Division to compile and publish a manual for accounting and budgeting that will become effective only upon approval of the Legislative Finance Committee.

[15] Ohio's bill titles its system an "educational management information and accountability system." It contains elements typical of a PPBS system. Nonpublic schools are included.

[16] Ohio's law calls for a PPBS with "eventual implementation on a statewide basis," to be developed by "utilizing pilot school districts." It is not clear whether this would apply to the state education agency. We have interpreted it to mean all local school districts eventually will have a PPBS.

[17] Ohio wants their system to "permit identification of those factors in the teaching-learning process that have the greatest relevance to student performance." We have considered this statement to mean a program analysis for performance effectiveness.

[18] Although an MIS system is to be created and implemented at the state level, Rhode Island's law also states that the Board is to "adopt and require standard accounting and auditing procedures for local school districts."

state testing, assessment, and/or evaluation. Arizona's amendatory S.B. 1294 contains legislation that added an evaluation system of pupil achievement to the existing law, but already in the law was a line that prescribed, "in consultation with the auditor general, a uniform system of records and accounting."

The legislation for the State of Rhode Island is equally as brief and merely includes among the duties of the newly-established Board of Regents for Education the adoption of required "standard accounting and auditing procedures for local school districts."

Nebraska's L. B. 959 is amendatory legislation that requests the State Board, along with instituting a statewide system of testing, to "prescribe a uniform system of records and accounting for keeping adequate educational and financial records, for gathering and reporting necessary educational data, and for evaluating educational progress." Clearly, these describe certain elements of a PPBS system and an MIS.

New Mexico requests its Public School Finance Division to "compile and publish a manual prescribing detailed regulations for a uniform system of accounting and budgeting of funds for all public schools and school districts of the state." This request is in New Mexico's Public School Code, but the section was enacted in the State's Laws of 1967. The manual, however, and any revisions or amendents to it, is to become effective only upon approval of the Legislative Finance Committee. All public schools and school districts then are to comply with the regulations thus prescribed.

The rest of the laws in Table IV are separate statutes that are concerned only with a PPBS, and were enacted by the States of Alaska, California, Colorado, Hawaii, Illinois, Indiana, and Ohio. The approach taken to a PPBS in these laws varies considerably, covering strict mandates for local school districts to follow such a system with penalities for not complying (Colorado, Indiana) to voluntary local district participation in the program (Illinois); establishing a PPBS not only for the state education agency but all other state agencies (Alaska, Hawaii); and appointing committees to study and recommend a PPBS to the Legislature and state education agency (California).

The Alaska and Hawaii state legislatures are the only ones in Table IV that mandated a single, integrated PPBS for all their state agencies in connection with the executive budget.[12] The program budget format to be followed is presented in detail, and the responsibilities of the Governor, the Legislature, the state fiscal division, and the agencies are spelled out step by step. They contain many of the basic elements of a PPBS at the state agency level and require public reporting. They are the only laws in the group that refer expressly to the preparation of alternatives for attaining objectives, allowing for a selection from programs if not all of them can be funded. Legislative control is paramount because of legislative responsibility to approve the executive budget, but the agencies are responsible for internal management of the system. A clause in the Alaskan law states that "except as limited by policy decisions of the governor, appropriations by the legislature, and other provisions of the law, the several state agencies shall have full authority for administering their program service assignments and shall be responsible for their proper management."

It can be concluded from the Alaska and Hawaii laws that it will be necessary to establish a PPBS at all levels in each of the state agencies. Hawaii's law specifically mandates that the state agencies accomplish this task. The Alaska Department of Education has printed a manual to train State Education Agency (SEA) and local educational agency (LEA) personnel in the first steps of systems analysis and management by objectives,[13] and now is working on the development of a PPBS both at the SEA and LEA levels.

The rest of the PPBS laws (with the exception of California which has appointed committees to study and make recommendations for a PPBS) are mandates for state education agencies to institute a PPBS at the local school district level. Only one state, Illinois, explicitly states that participation on the part of the local districts is voluntary and administrative control remains with the local school districts. The Illinois state agency can

[12] Florida also enacted a similar law in 1968. SEAR does not have a copy of this statute.

[13] *User Based Planning.* Juneau, Alaska: State Department of Education. No date.

decide, however, whether or not to provide grants to those districts applying for funds to defray costs in implementing the system, and the districts must report their progress with the system to the state superintendent, as well as to citizens.

The degree of administrative control exercised by the state boards or departments varies in different legislative acts, and for this reason the category of Administrative Control in Table IV may be misleading. Regulation by the state agency is strongly stated in the Indiana and Colorado statutes. Each respective state department of education is to develop (or contract for) and install a single unified PPBS system that the local districts are to follow, and a penalty is executed for those that do not comply. In Indiana's case, the law states categorically that all the districts "without exception shall adopt and fully and accurately implement the budgetary system established . . ." and provides a program of instruction for the local administrators who would be involved in its implementation.

In the Colorado law, the Department of Education is to provide a manual with directions for establishing the adopted system, and each district "shall establish and maintain" its PPBS "pursuant to the manual." Nothing is said in the Colorado and Indiana laws about developing goals and objectives, so that interpretation of these laws could allow each local district to develop its own goals and objectives that would be relevant to the community's needs, but still have the district follow the PPBS format prescribed by the state agency.

Ohio's bill also stresses state agency control in regard to establishing a PPBS system, but the law may be taken to mean that local districts can be included in working out the development of the system before it is imposed statewide. This system is to be developed (or contracted for) by the state agency for eventual implementation on a statewide basis after pilot testing in local school districts. This developmental work "will strive to define measurable objectives for which each facet and level of public education is to be held accountable." Presumably, there would be a cooperative effort in establishing objectives on the part of the state agency and the local district during the pilot-testing period.

Other statutes instituting a PPBS are more descriptive than prescriptive; in other words, they intend to provide a PPBS at the local district level, but the system is one that local districts can adapt and maintain for their own specific needs, yet follow the policies and general format laid down by the state agency. As mentioned earlier, the Illinois plan is offered on a voluntary basis, a system the local district can or cannot accept or adapt as it wishes. California's law calls for the state department of education to promote a PPBS (if recommended by an advisory body and adopted by the State Board and Legislature) through cooperative working arrangements and pilot projects. Workshops and conferences are to be conducted for training school district personnel. In establishing, maintaining, and operating the system, the Department "shall consult and cooperate" with school districts and county superintendents. As stipulated in A.B. 2800, if the Department is legislated to institute a recommended system, it is to "provide sufficient flexibility within the system to allow local and state educational agencies to meet all of their educational information needs."

The California laws and Illinois' S.B. 1548 are the only laws that plainly refer to public involvement in the legal language. Illinois requires "maximum" community participation with educators in developing goals and objectives within the district, and annual reports must be made to citizens. California's Chapter 1573 instructs the Advisory Commission to hold public hearings in various parts of the state in evaluating a tentative system before final recommendation. The PPBS system eventually recommended by the first Advisory Commission created in Chapter 1573 did allow the local districts to follow the general policies and format of the system, but they could formulate their own goals and objectives. The exact form and administration was left to each local district to determine in accordance with the district's unique needs and characteristics.[14]

It should be emphasized here that a **PPBS system has not been mandated for the California school system to date.** A.B. 1573 and A.B. 2800 established advisory bodies to recommend a plan

[14] *op. cit., Educational Planning and Evaluation Guide for California School Districts,* pp. I-1 – II-3.

TABLE V

LEGISLATION FOR PERFORMANCE-BASED EV
OF
PROFESSIONAL PERS

STATE	STATUTE	DATES		FEATURES OF LEGISL												
		Date enacted	Implementation date or effective date	Evaluation system developed by Governor-appointed body	Evaluation system developed by state agency	Evaluation system developed by local district	Local district provided with statewide guidelines	Establishes performance standards for teachers	Evaluates teachers in terms of performance standards	Requires standards of expected student progress	Evaluates teacher performance in terms of student progress	Requires procedures and techniques for assessing teacher performance	Local educators involved in developing evaluation system	Citizens involved in developing system
California	A.B. 293	1971	1972		●	[1]	●	●	●	● [2]	●	●		●
Connecticut	P.A. 204	1972	1973	●							●			
Florida	Ch. 231	?	?		●						●	[4]		●
New Jersey	S.B. 2233	1971	1971	●			●	●			●	●		
Oregon	S.B. 131	1970	1971		●	●		● [6]						●
South Dakota	Ch. 62	1969	1970	● [7]	[8]	●	●	●			●	● [9]		
Virginia	H. 845[10]	1972	?		●	●	●		●					
Washington	28 A. 67.065	1969	?		●			●			●	●		●

TABLE V

OR PERFORMANCE-BASED EVALUATION AND CERTIFICATION OF PROFESSIONAL PERSONNEL

FEATURES OF LEGISLATION												EVALUATION PROCEDURES			
eachers in terms performance standards	Requires standards of expected student progress	Evaluates teacher performance in terms of student progress	Requires procedures and techniques for assessing teacher performance	Local educators involved in developing evaluation system	Citizens involved in developing system	Evaluation a continuing process	Assesses adjunct duties necessary to accomplish objectives	Evaluates interns prior to award of provisional certificate	Evaluates certificated teachers	Includes administrators, supervisors in evaluation	Supplies financial resources	Requires dissemination of process to all professional personnel	Written evaluation report provided and discussed with employee	Includes employee's right of appeal	Individual confidentiality maintained	Provides counseling for improvement
•	• 2	•	•		•	• 3		•	•			•	•		•
		•					•								
		•	• 4		•			•	•		•	•		•	
		•	•				•			• 5					
					•			•				•	•	•	
		•	• 9			•		•	•						
•								•	•						•
		•	•		•			•				•			•

and advise the State Board of its recommendations. The PPBS model created by the Advisory Commission on School Budgeting appointed in A.B. 1573 caused the erroneous impression among many educators across the country, and even among some California school administrators, that either a PPBS had been mandated by the State Legislature, or that it soon would be. This has not been the case. An Assembly Concurrent Resolution No. 98 in 1972, sponsored by the California Federation of Teachers, requested the State Board to "withhold adoption of a proposed accounting manual and to take no action which would encourage or establish a statewide implementation of a PPBS" until further specified by the Legislature. Nothing in the Resolution, however, is to "restrain local governing boards from their efforts to refine methods of accounting and budget reporting." The State Board has complied with this request and the Legislature has indicated further study before adoption of a statewide PPBS.[15]

An important part of PPBS, particularly if it applies to the local district level, is to allow wide community participation in establishing the local district's goals and objectives so that they are responsive to local conditions. Community involvement and even the establishment of goals and objectives are not checked in many of the state laws analyzed in Table IV, but these omissions do not mean that these activities are not performed in actual implementation of the acts. Again, it must be stressed the omissions in this legislative analysis do not preclude what takes place in a state when those responsible for carrying out the intent of the law decide how to go about it.

Performance-Based Evaluation and Certification of Professional Personnel (Table V)

State educators and citizens are beginning to recognize that the certification of teachers, a function of the state education agency, is a process in need of change. Improvement of teacher preparation in the past has been accomplished typically by raising the state's standards for the college preparation of teachers. The requirement of a bachelor's degree is basic and advanced degrees are recommended by many states. It is the feeling of many, however, that the acquisition of college courses and degrees alone does not necessarily result in better teachers. Consequently, other standards for evaluating teacher effectiveness are being demanded. A movement is arising to evaluate teachers and professional personnel on the degree to which they have met predetermined performance-based objectives and/or on the basis of their performance in terms of pupil growth. A good many of the states are studying the concepts of the movement and some are actively engaged in the development of performance- based certification and/or performance-based teacher education. Among the latter are the States of Arizona*, California, Connecticut, Florida*, Kansas, Michigan, Minnesota*, New Jersey, New York*, North Carolina, Oregon*, Pennsylvania, Texas*, Utah*, Vermont, and Washington.* Other states are currently exploring the programs through task forces and committees; rewriting certification regulations or proposing changes to this effect, or investigating performance-based teacher education programs in the colleges.

Legislation thus far accumulated by SEAR and analyzed in Table V is concerned with performance-based teacher evaluation for certification or recertification purposes. The states have approached this area in a variety of ways. Evaluation in California, Florida, and Oregon represent sections of laws tied to teacher tenure and dismissal acts. The Washington law amended its General Provisions for Teachers statute to include evaluative criteria and procedures for all certificated employees. Evaluation of central office personnel, principals, teachers, and other school employees is one of the requirements in Virginia's "Standards of Quality" adopted by the State Board of Education and Virginia's General Assembly. South Dakota's evaluation mandate is a section of the law governing a Professional Practices Commission appointed by the Governor, the code of ethics the Commission is responsible for developing, and dismissal procedures. Connecticut's law amends its state certification act to provide for internships in certifiable positions and for the evaluation of the intern's performance

[15] Ruth, Leo. "The Scene," *English Journal*, December 1972, pp. 1374-1375.

* The asterisked states are members of the Multistate Consortium on Performance-Based Teacher Education administered by the State of New York and funded by ESEA Title V. The Consortium's publication is entitled PBTE, edited by Theodore E. Andrews of the New York State Education Department, and is released monthly.

Footnotes to Table V

[1] A companion bill to A.B. 293 was passed in October, 1971 (A.B. 2999) by the California Legislature. This bill directed the State Board of Education to develop and disseminate guidelines that the districts may use in developing certificated personnel evaluation procedures. The guidelines were developed and published by the State Board in 1972. The bill has not arrived at SEAR for a closer scrutiny at the time of writing this report.

The Governor of California also appointed a Commission for Teacher Preparation and Licensing in 1971, independent of the State Board and Department of Education, to develop standards of preparation for teachers-to-be and procedures for dismissal and revocation of certificates.

[2] A.B. 293, the Stull Bill, legislates that certificated teacher competence must be partially evaluated in terms of pupil progress. Standards of expected student progress in each area of study are to be established and certificated personnel are to be assessed in relation to the established standards. This is a requirement for all local teacher evaluation systems in California.

[3] Adjunct duties are those in addition to instructional assignments normally required that are necessary to accomplish the objectives of a class, school, or school district. The teacher also is evaluated for ability to "maintain proper control" and to preserve "a suitable learning environment."

[4] The law states that the superintendent of public instruction shall develop the procedures for the performance evaluation of the professional personnel. In actual practice, the plan is being developed from the recommendations of several educational groups.

[5] $90,000 for the period ending June 30, 1972.

[6] Oregon's law evaluates the performance of each teacher in order to "allow the teacher and the district to measure the teacher's development and growth in the teaching profession."

[7] Chapter 62 of the Session Laws of 1969 for South Dakota created a Professional Practices Commission for the regulation of the teaching profession. The seven members are appointed by the Governor and are representative of school boards, teachers, the State Board, administrators, and principals. The State Board of Education, Attorney General, and the State Superintendent are to cooperate with and assist the Commission when requested to do so. Among its duties is one to adopt measures governing the preparation, evaluation, and motivation for continued professional competence in the teaching profession. The features of this regulation are used in this report. Chapter 62 was amended in 1970 and again in 1971.

[8] Following the local professional practices committee's study of the Professional Practices Commission's promulgation of standards, criteria, and procedures, every independent board shall adopt a policy statement on supervision and evaluation.

[9] It appears that South Dakota's law allows for local educators' involvement in establishing standards, criteria, and procedures for the evaluation of teachers. It states that the Commission "may provide flexible ways by which to judge performance adapted to varying local communities and differences in individuals . . ." A local professional practices committee is to be established in every school district composed of five members selected by the teachers, administrators, and the district board.

[10] Evaluation of professional personnel is included in Virginia's "Standards of Quality" approved by the General Assembly in 1972. Performance objectives and standards are prescribed for the State Board, the local school boards, the school divisions, and the teachers. The law states that the "district superintendent and his staff shall provide for the cooperative evaluation of central office personnel and principals and shall provide assistance to principals in the cooperative evaluation of teachers and other school employees." Teachers, "in accordance with local policies and regulations," are to be responsible for a number of specific objectives in instruction, learning environment, and evaluation of student progress. Presumably teachers would be evaluated in terms of these performance objectives stated in the law.

before further certification. New Jersey's law is a separate piece of legislation that also concentrates on the intern, his/her competence to teach, and an evaluation of the individual's performance before being issued on initial or provisional teaching certificate.

The California and New Jersey laws are the most comprehensive statutes in the group. In New Jersey, the Commissioner of Education and the State Board are to plan, establish, and operate a statewide performance evaluation project. The project, however, is to be conducted through "voluntary cooperation among the local school districts, teacher training institutions, professional educational organizations and the State Department of Education." The project shall "concentrate on developing criteria for professional teaching competence based on performance evaluation prior to the issuance of initial teaching certificates." The project "shall identify the skills, attitudes, and other such pertinent data as the participating groups deem essential for an individual to demonstrate before being issued an initial teaching certificate," and "shall determine the method or methods of evaluation of the performance of each candidate for an initial teaching certificate." The minimum standards the individual is to achieve to obtain the initial certificate must be recommended to the Commissioner and State Board. The New Jersey law is the only law in the group that contains an appropriation of funds to carry out the intent of the act for the fiscal year ($90,000), but the local districts are expected to seek federal funds and private resources as well.

Appropriations may have been provided in state budget acts by other state legislatures, but this was not true of the California Stull Bill (A.B. 293), according to W. James Popham of the University of California in an article he wrote about the statute.[16] He points out that this deficit presents problems at a time when most local school districts are financially pressed to try to accomplish the intent of the bill without proper funding for the purpose. Apparently the State Board of Education agreed because in preparing state guidelines to help local districts in the implementation of the bill, it was suggested that the districts keep an accounting of all costs and man-hours expended. This information will be summarized for the Legislature in an attempt to discourage legislation that is not tied to adequate financial support.[17]

California's law has created wide interest because it is the first that calls for at least a partial evaluation of certificated teachers in terms of pupil growth. The uniform system of evaluation and assessment of the performance of certificated personnel is to involve the development of objective evaluation and assessment guidelines on the part of each school district. These guidelines are to include the following, although they are not limited to the four elements quoted:

- The establishment of standards of expected student progress in each area of study and of techniques for the assessment of that progress.
- Assessment of certificated personnel competence as it relates to established standards.
- Assessment of other duties normally required to be performed by certificated employees as an adjunct to their regular assignments.
- The establishment of procedures and techniques for ascertaining that the certificated employee is maintaining proper control and is preserving a suitable learning environment.

Literature for the implementation of the Stull Bill already has been submitted by a California school district. Two documents called *Implementation of the Stull Bill* and *A Model Plan for Evaluation of Certificated Staff in the Management of Learning* were published in March, 1972 by the Alameda County School Department, 224 West Winton Avenue, Hayward, California 94544.

It should be noted that a Commission for Teacher Preparation and Licensing was appointed by the Governor of California (something like South Dakota's Professional Practices Commission) that has been setting the standards of preparation

[16] Popham, W. James. "California's Precedent-Setting Teacher Evaluation Law," *Educational Researcher,* July 1972, p. 14.

[17] Appendix D, "District Costs in Implementing the Requirements of A.B. 293," *California State Board of Education Guidelines for School Districts to Use in Developing Procedures for Evaluating Certificated Personnel,* Sacramento, California: State Board of Education, 1972.

for teachers-to-be, and developing dismissal procedures and processes for revoking certificates since 1971. Up to 1971 these duties were the prerogative of the State Department of Education under rules established by the Legislature and the State Board. The new Commission is independent of the State Board and Department of Education.[18]

The language of the remaining laws is less comprehensive about performance-based teacher evaluation. In Connecticut's internship program (P.A. No. 204), evaluation of the intern's performance is to be conducted by persons selected by the State Board. The program developed shall include "such equivalencies and alternates to present certification requirements acceptable from persons with bachelor's degrees from approved colleges as the Board deems necessary or desirable." The State Board has to report on the program to the Joint Standing Committee on Education.

In Oregon, the district superintendents of high school districts having more than 500 students shall cause to have made a performance evaluation of each teacher employed by the district "in order to allow the teacher and the district to measure the teacher's development and growth in the teaching profession." It states that the Oregon Board of Education shall prescribe the form to be completed pursuant to rules adopted by the district school board.

South Dakota's Governor-appointed Professional Practices Commission is to "enter into a comprehensive review and evaluation of, and to establish and promulgate standards, criteria, and procedures for the evaluation of the professional performance of classroom teachers in the elementary and secondary schools of the independent school districts of the state." These standards, criteria, and procedures are to provide clear guidelines for the evaluation, and upon which "the local professional practices committees can make recommendations regarding the employment relationship of the teacher to the district." The standards are to be adaptable to varying local communities and differences in individuals, but at the same time protect against incompetence.

Virginia's expression of teacher evaluation is brief, merely stating that the superintendent and his staff shall provide for the "cooperative evaluation of central office personnel and principals and shall provide assistance to principals in the cooperative evaluation of teachers and other school employees." Performance objectives have been enacted into the same statute for persons at the planning and management level as well as for teachers. Presumably, the professional personnel will be evaluated according to the objectives set for them.

Washington's law calls for every board of directors to establish evaluative criteria and procedures for all their certificated employees.

Florida's Chapter 231 mandates that the district superintendent "shall establish procedures for assessing the performance of duties and responsibilities of all instructional, administrative and supervisory personnel" in his district. A statement of the criteria and procedures used must be reported to the State Department of Education and shall include certain provisions, but not be limited to them.

In most of the state laws the system for evaluating educational personnel is to be developed by the local district, but minimum requirements that the districts are expected to follow are set by the state education agency or special appointed commission. Usually educators in local districts are called upon in developing the system, mainly local school board members, certificated teachers, and members of professional educational organizations. Although citizen involvement is not specifically requested in the laws of Table V, many of the states are including lay persons on advisory boards or commissions along with representatives of education to help determine what the certification criteria should be.

It is likely, however, that further legislation and regulations will be necessary in this area for these states and others in order to implement performance-based teacher certification. William Golden, Associate Commissioner for the Department of Education in Florida, a state with experience in this field, maintains that four conditions are

[18] *op. cit.* "The Scene," *English Journal*, pp. 1372-1374.

basic to implement performance-based teacher certification.[19] These conditions are quoted in part below:

- An appropriate legal framework of statutes, regulations, and administrative policies must be established. These include state statutes, regulations of the State Board, policies of the state education agency and local school boards, policies of governing boards for higher education institutions, and operational policies adopted by administrative officials in schools and higher institutions. Without an appropriate legal framework, performance-based teacher certification is unlikely, if not impossible.

- Competencies that are to be demonstrated through performance must be specified, although the responsibility for specification need not be at the state level.

- Programs that can successfully train candidates to master the competencies must be developed.

- Systems for monitoring and managing the mastery of competencies must be implemented. Also, it is necessary for teacher preparation agencies to receive feedback regarding the relevance of the competencies that their graduates are mastering.

The report goes on to say that developmental efforts in all of these areas have been initiated in Florida.

Performance Contracting

Performance contracting is another approach to educational accountability that is being tested by local school districts, sometimes because they need the technical expertise from a private agency to carry out the particular program they wish to install. In most states, specific legislation authorizing performance contracting is necessary to permit the public agency to contract with a private firm for instructional purposes.

SEAR has one such piece of legislation that was passed by California, the "Guaranteed Learning Achievement Act of 1971," Assembly Bill No. 1483. This bill became effective in March, 1972, too late to be implemented in the 1971-'72 school year. According to the California State Department of Education, six districts have been authorized by the State Board to participate in the 1972-'73 school year. The law is to remain in effect until June 30, 1975.

New York has introduced legislation for performance contracting in recent legislative sessions, but these bills have failed to pass. New York will be introducing a similar bill in the 1973 session. According to the U.S. Office of Education, more than 100 performance contracting programs have been in operation since 1969.[20] It is possible that legislation exists that either permits or requires performance contracting in other states, but to date, only the California legislation has been received by SEAR.

Among the purposes and intent of the California Legislature in Assembly Bill No. 1483 is the statement that the programs shall be entered into on a voluntary basis by public school districts, and shall be experimental in nature and conducted on a limited scale with the results determining the feasibility of a general application of the methods. Federal funds under the ESEA Act of 1965, as well as state funds, are to be granted to those districts selected by the State Board to participate in the project. These funds amounted to $250,000 for the first year of the program.[21]

The California bill contains features typical of a performance contracting program. These features are enumerated below:

- Goals and objectives are to be specified in measurable terms to the contractor.

- The contract contains a penalty clause. A penalty is to be paid by the contractor for

[19] Golden, William Cecil, Associate Commissioner of the Florida State Department of Education, *The Role of the State Department of Education in Managing Teacher Education and Certification*. Tallahassee, Florida: State Department of Education, July 29, 1971, pp. 12-13.

[20] *op. cit., Educational Accountability and Evaluation*, p. 16.

[21] *Educational Daily*, November 3, 1972, p. 4.

each student who has not reached the achievement specified in the contract, and maintained that level of competence for at least six months thereafter.

- The contract contains a performance guarantee which means that the contractor will not be paid unless "measurable achievement and mastery of basic skills" is attained and maintained for at least six months thereafter. Payment takes place in a range of amounts after specified percentages of work are performed.

- Methods of evaluation and testing must be approved by the State Board or agreed upon between the Superintendent of Public Instruction and the contractor. The Superintendent shall be responsible for administering the tests.

- No proposal shall be approved by the State Board that does not offer a substantial chance of being transferred and duplicated by the public school system at a later date, if it merits such use.

- A design for an audit of the program is required.

- The contract may include new and innovative approaches to teaching that can be used later by the schools, such as special teaching machines.

- The contract provides a program in reading and mathematics, stating the primary and elementary grade levels to be enrolled, and an estimate of the total number of students to be enrolled in each grade level.

- The contract may include the use of regular teachers employed in the public school district in the special program, but on a voluntary basis, and none shall lose his/her position because of any personnel or machine requirements in the contract.

Further provisions in the California statute stipulate that the Superintendent shall select for approval those districts that wish to participate in the program with distinct and different characteristics in regard to size and economic factors. Each year the Superintendent must submit a comprehensive report to the Governor, Legislature, and the State Board summarizing the programs that have been conducted, their effectiveness and cost compared to public school costs for comparable programs, and recommendations for future changes in the programs or statutes.

According to the U.S. Office of Education, performance contracting has been found to have distinct advantages and disadvantages.[22] Disadvantages often include a narrow focus on reading and mathematics while the more creative skills are neglected. Standardized tests are used that may not provide an accurate measure of performance contract results. In addition, many contracts do not make provisions for slow learners, retention of learning, and the motivation of learning.

The California bill may have compensated for some of these criticisms by requesting that "maintenance of student achievement continue for not less than six months after the date of the measurement of student achievement first required." Also, each contract must include in its terms "specified levels of achievement, mastery of basic skills, and proficiency to be reached by enrollees in the program within a specified period of time, upon which any penalty under a penalty clause shall be based."

The U.S. Office of Education publication states further that performance contracting can be more effective if a turnkey phase is written into the contract, in which the school takes over and runs the new instructional system that is developed by the contracting agency. California has provided for this take-over in the statute if a district wishes to continue the system. Performance contracting, it is pointed out, has a positive effect on schools and districts in that they are compelled to define needs, goals, and objectives. It appears that the California law contains many essential provisions for a useful performance contracting experiment.

[22] *op. cit., Educational Accountability and Evaluation,* pp. 15-17.

The next section of this report is *Part II, Proposed Models for State Educational Assessment and Accountability Legislation.* These model acts are suggestions for accountability legislation in the areas of state testing and assessment and for a planning, programming, and budgeting system. As Dr. Buchmiller points out in the Foreword, the models attempt to include the basic necessities of the legislation without imposing constraints that may impede the agency responsible for implementation of the statute. Those states that plan to introduce legislation or amend enacted laws may find them helpful in the preparation of statutes for their own purposes and needs.

PART II

PROPOSED MODELS
FOR STATE EDUCATIONAL ASSESSMENT
AND ACCOUNTABILITY LEGISLATION

Prepared by
Archie A. Buchmiller, Ph.D.
Wisconsin Department of Public Instruction
for
S E A R

Foreword

The model acts presented in this supplement are intended only to be illustrative of legislation that may be more appropriate than acts which are highly prescriptive. Since there is a limited amount of experience in state assessment and accountability at this time, each state is urged, as it deems necessary, to explicate its own definitions that are consistent with its philosophy.

A survey was made of persons experienced and knowledgeable in the field of state accountability and assessment that revealed a lack of general agreement about what state accountability and assessment legislation should include or do (see Area I, Appendix B). Most of these authorities agreed that legislation **should** contain provisions for a state assessment of student and educational performance and a management information system component. On the other hand, there was a general agreement that it **should not** include provisions for the evaluation of teachers, performance contracting, legislatively identified goals, or only a student testing component.

The present state of the art in accountability and assessment by state educational agencies appears not to have reached consensus on such terms as accountability, program evaluation, assessment of educational performance, educational outputs, and similar accountability rhetoric. These are all-encompassing concepts subject to diverse opinions and interpretations.

Complex prescriptive legislation is likely to become quickly outdated, and inflexible and rigid in administration and procedures as a state gains experience in implementing and evaluating accountability and assessment plans. At least one of the states already has begun to repeal some or part of its adopted complex accountability legislation. Hopefully, an awareness of the problems that complex prescriptive legislation may cause would suggest that states which have not yet adopted such legislation err on the side of generality rather than complexity!

The model acts developed for this supplement attempt to provide the basis for establishing a firm foundation of legislative intent with a minimum enactment of administrative and operational structure that would constrain the state education agency in its planning and development of adopted accountability plans or models. Careful planning was the single, most important admonition given by the panel of experts from whom I sought advice and suggestions in regard to accountability legislation and state education agency roles in implementing it (Appendix B, III). The second was the need for the involvement of many people, broadly representative of all sectors of the educational and citizen publics of the state.

Since complex legislation is not recommended, the necessary administrative and procedural specificity can be provided through the adoption of easily modifiable administrative rules that can provide the operational specificity needed to augment enacted legislation. Appendix A provides a basic framework that can be used as the initial basis for adopting administrative rules to implement general accountability legislation.

Differences of opinion about the logistics of administering accountability and assessment legislation by state educational agencies also exist. The respondent panel members had differing points of view in answering an open-ended question about the kind of processes that should be retained by the state educational agency and those which could be just as effectively contracted for from other agencies or organizations (Appendix B, IIA and B). The responses ranged from retaining most of the processes to contracting all of them out, at least during the initial phases of implementing accountability and assessment mandates. The best option undoubtedly lies somewhere between, but just where is not clear.

In response to identifying areas where the state educational agency should retain and maintain control, the consensus was first, for reporting the results of assessment to the public; second, for maintaining control of the regulations and administrative decisionmaking; third, for developing state educational goals; and fourth, for the analyses of data, monitoring progress, selection of measuring instruments, and development of the evaluation plan.

In respect to procedures for which the state educational agency could more effectively contract out, computer services ranked first; analyses of (test) data, second; sampling designs, test development, and test scoring, third; and program audits,

routine logistics (mailing, instructions, etc.), and inservice training for local administration, fourth.

One can only conclude that a great deal more experience by state educational agencies must be accumulated before a clearer picture emerges of what part of the total logistics and operational plan the state educational agency should retain and what part should or can just as effectively be contracted out to other agents.

A wide variety of responses was received with respect to things that state agencies should and should not do (Appendix B, III and IV). The major consensus and frequency of response was:

"Should Do"	Number of Responses
Don't rush, plan thoroughly, field test	8
Involve many individuals from all representative publics	6
Goal setting is fundamental	3
Communicate and report clearly	2
Get outside help if not available in state educational agency	2
Cost account procedures	2

"Don't Do"	Number of Responses
Don't expect good results without spending money to achieve them	4
Don't fragment administrative responsibility	3

Frank Womer emphasized a most important point that seemed to be implied in the comments of other persons about the implementation of assessment plans when he stated, "**Stress quality over quantity – do a small assessment well rather than a big one poorly.**" (emphasis mine)

I need to stress that these model acts are provided only as an initial starting point for states considering the adoption of legislation in the area of educational accountability. Additional details and provisions can be added to meet the political realities of each state. Examples of legislation that have been adopted by states can be found in the CAP SEAR publication, *Legislation by States: Accountability and Assessment in Education.*

I would be remiss in not extending deep appreciation to Michael Vaughan, former chief of the Wisconsin Legislative Reference Bureau; Robert Brownlee of CTB/McGraw Hill; Dick Merritt of the National Legislative Conference; Frank B. Womer, University of Michigan; Nancy Bruno, Bill Schabacker, and Paul Campbell, Educational Testing Service; Dave Phillips, U.S.O.E., and Norman Kurland of the New York State Educational Agency, as well as each of the policy board members of the participating states in the Cooperative Accountability Project.

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Wisconsin Department of Public Instruction
CAP-SEAR

A MODEL ACT:

For A Comprehensive State Educational Assessment and Accountability Program

(Title should conform to state requirements. The following is a suggestion: AN ACT to establish a system of educational accountability and assessment of educational performance to assist in the measurement of educational quality and to provide information to school officials and citizens.)

BE IT ENACTED (insert the required state enactment clause).

SECTION 1. Legislative Declaration.

(1) The legislature hereby declares that the purpose of this act is to initiate and maintain a state program of educational accountability and assessment of performance by the (state educational agency or board) which will obtain and provide meaningful information to the citizens about the public elementary and secondary educational schools in this state. The information about educational performance should relate to educational goals adopted by the (state educational agency or board), to student achievement in areas of the school curriculum, and to investigation of meaningful relationships within this performance.

(2) The legislature further declares that public school districts shall participate in the state accountability and assessment program and adopt compatible district plans with this state system required in (1) to achieve improved educational accountability and report meaningful information and results to the public.

SECTION 2. Duties of the (State Educational Agency or Board).

(1) The (state educational agency or board) shall develop a state accountability and assessment program by (insert date) which will:

(a) Establish a procedure for the continuing examination and updating of adopted state goals for elementary and secondary education.

(b) Identify goal-related performance objectives that will lead toward achieving stated goals.

(c) Establish procedures for evaluating the state's and school district's performance in relation to stated goals and objectives. Appropriate instruments to measure and evaluate progress shall be used to evaluate student performance.

(2) The state's program shall provide for an annual review which shall include assessing the performance of students in at least (insert elementary and secondary grades or age levels or both) in such areas of knowledge, skills, attitudes and understandings, and other characteristics or variables that will aid in identifying relationships and differentials in the level of educational performance that may exist between schools and school districts in the state.

(3) The (state educational agency or board) shall:

(a) Promulgate rules for the implementation of this section.

(b) Employ staff as authorized by the legislature and enter into such contracts as may be necessary to carry out its duties and responsibilities under this section.

(c) Establish recommendations for components of school district accountability programs and provide technical assistance to school districts in planning and implementing their plans.

(d) Provide inservice training for personnel who will be involved in carrying out the state's program of educational accountability and assessment of performance.

(e) Monitor periodically the assessment and evaluation of programs implemented by school districts and make recommendations for their improvement and increased effectiveness.

(f) Annually report and make recommendations to the governor and legislature, the state board of education, school boards, and the general public on its findings with regard to the performance of the state elementary and secondary education school system.

(4) The (state educational agency or board) may establish a state advisory committee on educational accountability to make recommendations and assist it in carrying out its responsibilities under this section.

SECTION 3. Local Accountability and Assessment Programs.

The school board of every district in this state shall:

(1) Adopt a plan for a local accountability program designed to measure the adequacy and efficiency of educational programs offered by the school district, in accordance with recommendations and criteria promulgated by the (state educational agency or board) and the policies of the school board by (insert date). The school board may appoint a broadly constituted citizen advisory accountability committee to make recommendations to the board relative to the program of educational accountability, but it shall be the sole responsibility of the district school board to implement plans required under this section.

(2) Report periodically to the residents of the school district and the (state educational agency or board), in such form and giving such information as the (state educational agency or board) requires, on the extent to which the school district has achieved the goals and objectives of its adopted plans.

SECTION 4. Appropriation.

In addition to any other appropriation, there is hereby appropriated to the (state educational agency or board) the sum of $_____ for the fiscal year beginning July 1, 19__, and for each fiscal year thereafter, to carry out the purposes of this act.

SECTION 5. Effective Date.

This act shall take effect on ___(month)___, 19__.

A MODEL ACT: For A State Educational Assessment Program

(Title should conform to state requirements. The following is a suggestion: AN ACT to establish a system for the assessment of educational performance to assist in the measurement of the quality of educational opportunities provided and to provide information to school officials and citizens.)

BE IT ENACTED (insert the required state enactment clause).

SECTION 1. Annual Assessment.

(1) The (state educational agency or board) shall develop by (insert date) and thereafter shall annually measure and analyze student progress and performance on basic literary skills (insert here areas to be covered) of the public elementary and secondary schools in the state by methods adopted by it such as, without limitation because of enumeration, appropriate testing, independent and field audits, etc., and shall report appropriate information on such assessment to the governor, legislature, state board, school boards, and the general public on the results of the annual assessments and analyses of student performance.

(2) No later than the first day of (insert appropriate day and year), and annually thereafter, the (state educational agency or board) shall report information made to the public and make such recommendations to the legislature and school districts as it deems appropriate based on the findings and analyses of the assessments made by it.

(3) The (state educational agency or board) shall promulgate such rules, employ staff, provide for training, develop instruments, and establish procedures that will enable it to carry out its responsibilities under this act.

SECTION 2. Appropriation.

In addition to any other appropriation, there is hereby appropriated to the (state educational agency or board) the sum of $_____ for the fiscal year beginning July 1, 19____, and for each fiscal year thereafter, to carry out the purposes of this act.

SECTION 3. Effective Date.

This act shall take effect on ___(month)___, 19__.

A MODEL ACT:

For A State Assessment Program

(Title should conform to state requirements. The following is a suggestion: AN ACT to establish a state testing system to keep parents, local and state officials, and citizens informed about the progress or state of student performance.)

BE IT ENACTED (insert the required state enactment clause).

SECTION 1. Legislative Declaration.

The legislature hereby declares that the purpose of this act is to establish and maintain a state assessment program to measure pupil performance in the subjects (specify subjects or areas of instruction) and in grades (specify grades or ages) in the public elementary and secondary schools of this state. The (state educational agency or board) shall report to the public annually to provide information about the progress of pupils in the schools.

SECTION 2. Testing Program.

(1) The (state educational agency or board) shall:

(a) Establish and administer an annual testing program to measure pupil achievement in the public schools of this state with such measurement instruments that the state educational agency determines are appropriate for the purposes of this act. In any year the (state educational agency or board) may limit the program to certain grades or pupils or populations in the public elementary or secondary schools in the state.

(b) Purchase and distribute necessary materials for the program and train state and local staff to administer tests.

(c) Report the results of the program annually to the governor, legislature, state board, school districts, and general public.

(2) All school districts shall participate in the program under subsection (1) and failure to participate shall result in (here insert any desired penalty of loss of accreditation, ineligibility for aids, etc.)

SECTION 3. Appropriation.

In addition to any other appropriation, there is hereby appropriated to the (state educational agency or board) the sum of $_____ for the fiscal year beginning July 1, 19__ , and for each fiscal year thereafter, to carry out the purposes of this act.

SECTION 4. Effective Date.

This act shall take effect on ____(month)____, 19__ .

A MODEL ACT:
For A State Planning, Programming, and Budgeting System

(Title should conform to state requirements. The following is a suggestion: AN ACT to establish a mandatory program for installing a uniform educational programming, budgeting, and accounting system.)

BE IT ENACTED (insert the required state enactment clause).

SECTION 1. Legislative Declaration.

It is the purpose of this section to provide for the development of a statewide budgeting, accounting, and reporting system for the public schools that relates educational expenditures to programs. Further, it is the intent of the legislature that such a program be adopted by (insert date).

SECTION 2. Development of a Uniform Educational Programming, Budgeting, and Accounting System.

(1) The (state educational agency or board) shall develop a uniform programming, budgeting, and accounting system for use by school districts. Prior to final adoption of the system, a copy shall be mailed to each school district for its review and recommendations.

(2) The (state educational agency or board) shall adopt rules for implementing the system prescribed in Section 2(1) including but not limited to:

(a) forms
(b) procedures
(c) reports to the (state educational agency or board)

(3) The (state educational agency or board) shall provide information to the Governor, legislature, school districts, and general public on the school district programs, expenditures, and revenues annually.

SECTION 3. Establishment of System by School Districts.

(1) Every school district in this state shall adopt and implement the system prescribed by the (state educational agency or board) no later than two years after being provided with a final copy of the manual for implementing the system by the (state educational agency or board).

(2) Every school district in this state shall submit annual budget and accounting reports to the (state educational agency or board) at such times and in such form as the (state educational agency or board) requires.

SECTION 4. Appropriation.

In addition to any other appropriation, there is hereby appropriated to the (state educational agency or board) the sum of $ _____ for the fiscal year beginning July 1, 19__, and for each fiscal year thereafter, to carry out the purposes of this act.

SECTION 5. Effective Date.

This act shall take effect on (month), 19__.

Appendix A

Suggested Criteria for the Framework of an Administrative Code to Accompany and Supplement Accountability and Assessment Legislation

An administrative code, or its equivalent, after proper notice, hearing, and adoption, has the force of law. A code is a far more flexible structure to modify and change as conditions change than are legislative enactments. Legislative enactment can be general and then complemented with specifics in an administrative code in regard to the implementation of the legislative mandate or requirement.

The following general outline is suggested in the development of an administrative code to implement accountability mandates;

(Name of State) Administrative Code

Rules of (Insert Name of State Educational Agency or Board)

I. Introduction

A. Purpose
B. Notice and Place of Hearings
C. Publication and Availability

II. Topical Area (Insert Area Covered; i.e., Assessment)

1.01 Definitions
2.01 Statutory Authority
3.01 History
4.01 General Rules or Orders
5.01 Procedures
6.01 Limitations
7.01 Enforcement
8.01 Appeals
9.01 Reports

Appendix B

Return to: Dr. Archie A. Buchmiller
Deputy State Superintendent
Department of Public Instruction
126 Langdon Street
Madison, WI 53702

ADMONITIONS TO SEA'S ON ADMINISTERING ACCOUNTABILITY LEGISLATION
SUMMARY OF RESPONSES

Name of Respondent _____

Address: _____ Telephone _____

May ideas or references be quoted or credited? . . . . . Yes _____ No_____

I. Should state accountability legislation include:

	Area or Characteristic	Yes	No
A.	State Assessment	8	1
B.	PPBS	4	3
C.	Teacher Evaluation	2*	6
D.	State Testing	3	4
E.	Educational Audits	3	3
F.	Management Info. System	6	1
G.	Performance Contracting	1	6
H.	Legislatively Identified State Goals	2	5
I.	Program or Progress Monitoring by SEA	6	8
J.	Staff Development	1	
K.	Reporting to Public	1	
L.	Community Involvement	1	
M.	Appeal from Decisions	1	
N.	Budget Provisions	1	
O.	Research on Assessment	1	
P.	Assessment Methodology	2	
Q.	Stated Legislative Goals	1	
R.	Declaration of Purpose	1	
S.	Definition of Terms	1	
T.	Administrative Procedures	2	

Comments:

Note: One respondent objected to all.
* Performance based

II. What part of the logistics of SEA administration of state assessment should the state maintain and what part should be contracted?

A. Processes to be retained and maintained by SEA's:

1. Reporting to decision makers and public (7)
2. Regulations and administration (5)
3. Evaluation plan and data analysis (3)
4. Development of state goals (2)
5. Budget decisions (4)
6. Instrumentation selection (2)

Others: Set objectives; inservice training; liaison to higher education, follow-up to LEA's.

B. Processes that can be more effectively contracted out:

1. Computer services (4)
2. Analyses (4)
3. Scoring tests (3)
4. Test design (3)
5. Sampling design (3)
6. Program audits (2)
7. Administration (2)
8. Logistics (2)
9. Financial audits, forms design, MIS systems, performance based instruments, objective writing, and inservice for test administration (1 each)

III. "Should do" advice for SEA's:

1. Plan thoroughly–field test (9)
2. Involve may LEA committees and individuals (6)
3. Communicate and report clearly (5)
4. State and local goal setting is basic (3)
5. Procure outside help if agency staff is not adequate (2)
6. Cost accounting systems components (2)
7. Survey what is being done elsewhere (2)
8. Get a commitment from management (1)
9. Include federal evaluation components (1)
10. Appoint small technical advisory groups for operations (1)
11. Include basic pupil information file (1)

IV. "Don't do" advice for SEA's:

1. Don't expect good results without spending money (5)
2. Don't fragment administration (3)
3. Don't rush (2)
4. Don't threaten (1)
5. Don't surprise people with a new system (1)
6. Don't evaluate after the fact (1)
7. Don't promise more than you can do (1)
8. Don't develop only a testing system (1)

V. Comments:

1. Total staff commitment is essential (2)
2. Legislative mandate should be general (2)
3. Legislative mandate should be specific (1)
4. Small amounts of quality over quantity (1)
5. Good Luck! (1)

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